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MITIGATION BANKING

Investment In Wildlife

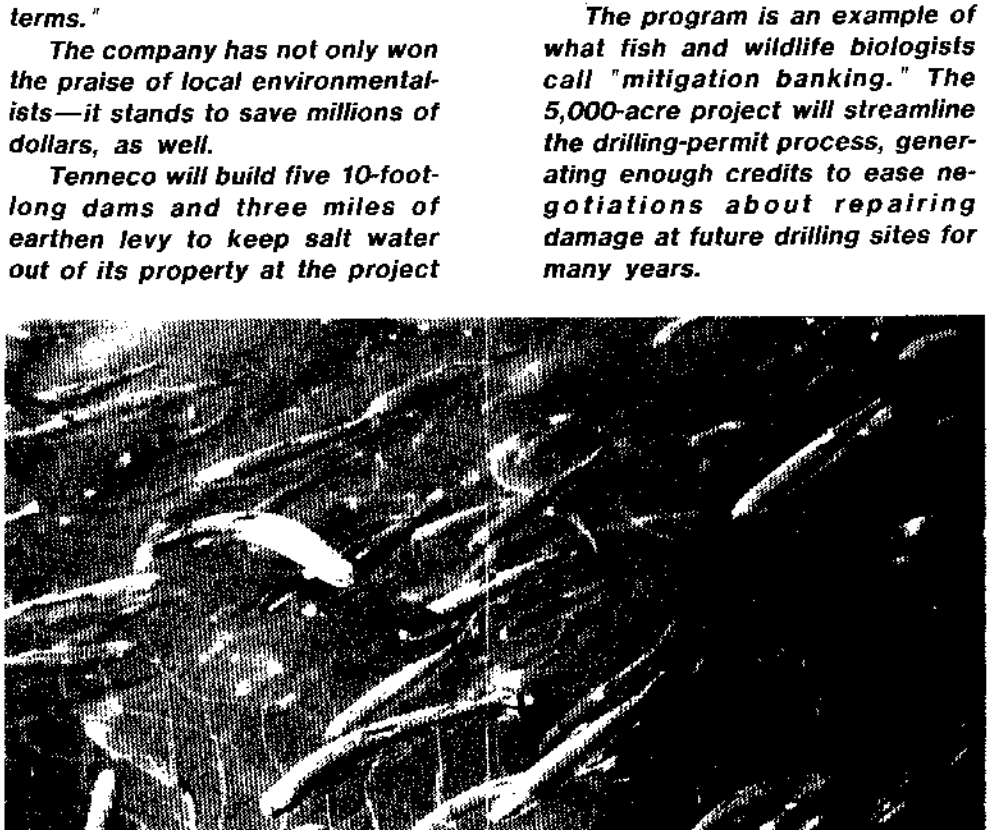
A SUCCESS STORY...

In 1984 Tenneco Oil Company announced a $500,000 program to save 5,000 acres of company-owned wetland wildlife habitat in Louisiana from destruction by encroachment of salt water. Many hailed the program as "industry's first big steps to really help the wetlands...living proof that environmental enhancement and the profit motive aren't conflicting terms."

The company has not only won the praise of local environmentalists—it stands to save millions of dollars, as well.

Tenneco will build five 10-foot-long dams and three miles of earthen levy to keep salt water out of its property at the project area. By preserving the fauna and flora on its land, Tenneco will earn environmental "credits" that will offset future "debits," such as when dredging for an oil rig irreversibly turns a duck marsh into a saltwater wasteland. When a drilling program elsewhere entails "unavoidable" wetland destruction, Tenneco can use the credits to offset the impact.

The program is an example of what fish and wildlife biologists call "mitigation banking." The 5,000-acre project will streamline the drilling-permit process, generating enough credits to ease negotiations about repairing damage at future drilling sites for many years.



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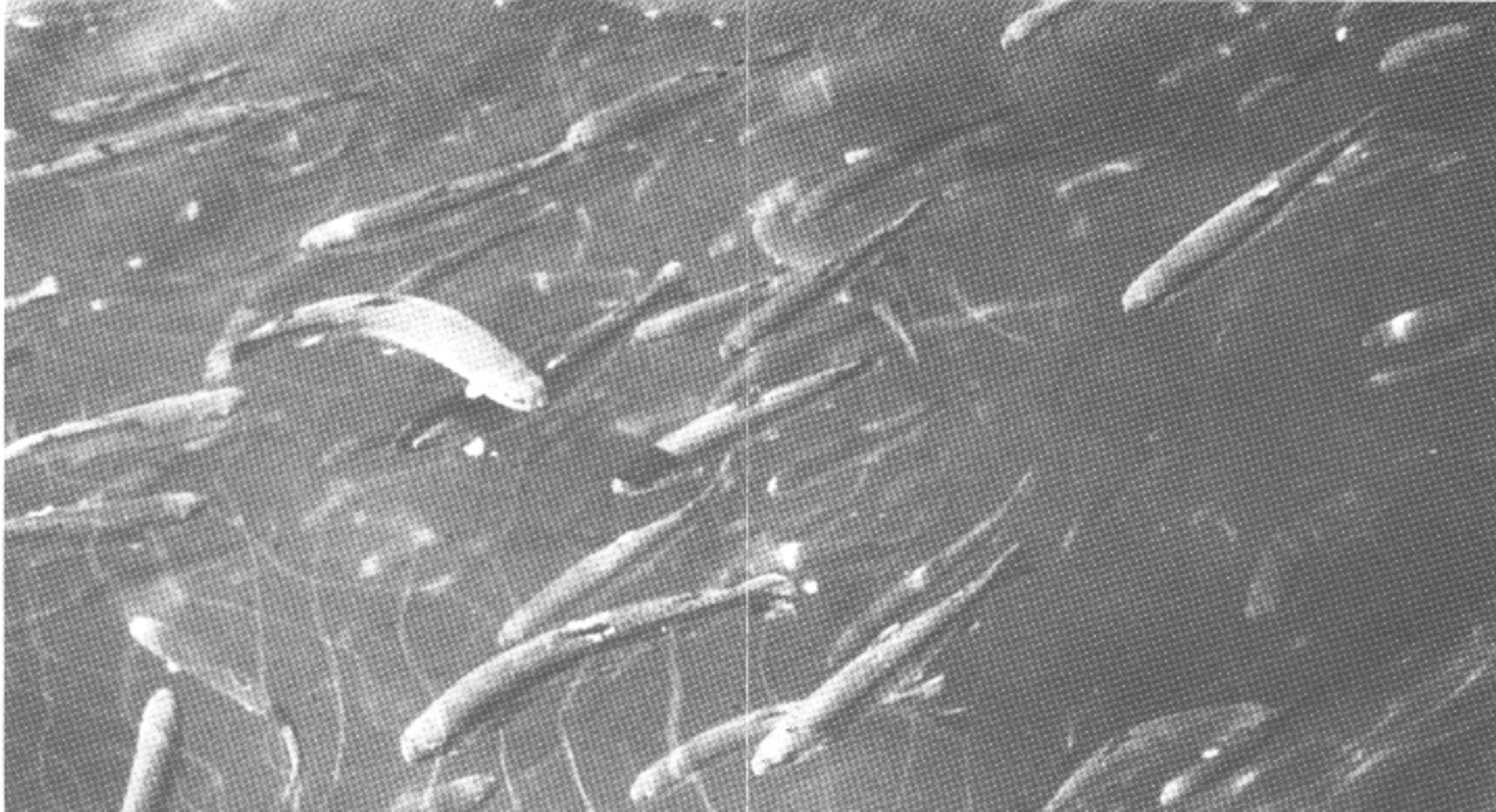

all the coastal marsh habitats in the Duwamish and Puyallup river deltas have been destroyed.

A century ago, the Yakima River irrigated a few thousand acres of farmland and supported fish runs of returning salmon and steelhead numbering over 600,000. Today the river irrigates half a million acres, but fish runs have shrunk to 10,000 per year.

Whether it lives on public or private land, the state's wildlife belongs to all Washington citizens.

Eighty percent of eastern Washington's native grasslands have been converted to agriculture; 96 percent of western Washington's original old-growth forest and 86 percent of the east-side old growth are gone. Of the 550 miles of its length that are in Washington, only 52 miles of the Columbia River near Hanford Reach remain free-flowing—the rest is one great reservoir, broken up by a sequence of dams.

Most land and water developments alter or destroy habitat, eliminating most or all of the fish and wildlife that once occupied it. Of course, each site is unique. The value of land as habitat and the potential impacts of developing it vary from place to place. Generally speaking, though, the larger the project, the greater its likely impact on wildlife.

The effects of a development may extend far beyond its immediate site. It may attract more people into the surrounding areas in off-road vehicles, boats, aircraft or on foot. Because most wild creatures are disturbed by human intrusion to at least some extent, these human disturbances often force wildlife from otherwise suitable habitat.

So when we destroy or alter habitat, we also wipe out the fish and wildlife it once supported. To preserve our wildlife resources, it just isn't enough to protect the animals themselves from, say, too much hunting or from commercial exploitation. We must also protect the habitat they depend on for their survival.

One way we do this is by identifying and buying land that includes important habitat and setting it aside for wildlife. State and federal agencies, as well as private conservation groups, buy critical habitat whenever possible. The Washington Department of Game owns lands throughout the state that it manages primarily for the benefit of fish and wildlife.

Yet it would be impossible to buy up enough habitat to guarantee the future of our wildlife, even if there were enough money available to do it. So much of Washington's most important fish and wildlife habitat will probably remain in private hands.

Whether it lives on public or private land, though, the state's wildlife belongs to all Washington citizens, and the state departments of Game and Fisheries have a legal responsibility to manage it. By law, developers must notify the departments of planned major development and construction projects that will affect fish and wildlife. In some cases, the agencies' role is advisory; in other cases, they can grant or deny permits and set conditions on how a project will be carried out.

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AND NOW... MITIGATION BANKING

But in recent years private industries have joined wildlife agencies in several parts of the country to develop a new and better approach to mitigation, called *mitigation banking*. Having proven successful in several other states, the concept was recently introduced to Washington by the Department of Game.

The key to its success lies in the fact that it lets a developer perform fish and wildlife mitigation *before* development takes place, rather than afterwards. It allows him to earn credit for having already performed the necessary mitigation when he applies for a permit for future development.

A mitigation bank is set up by an agreement between the developer and the Department of Game. Among other things, the agreement includes a description of the bank's purpose and how it will operate. It spells out what mitigation work the developer will do, sets a schedule for it and explains how it will be monitored by the agency.

In negotiating a mitigation bank agreement, wildlife officials have two primary aims: First, they seek permanent protection for fish and wildlife populations. Second, wherever possible, they try to arrange in-kind replacement of lost wildlife—a trout for a trout, a duck for a duck.

There are several ways a mitigation bank might work. Under one typical scheme, a developer might first fund studies of local wildlife and habitat to determine what kind of mitigation should be done. Then he would buy land containing suitable habitat and provide funds to improve and maintain it for fish and wildlife. Or, while retaining ownership of the land, he might fund studies and mitigation work on it and permanently set it aside for wildlife.

A third possibility would be for the developer to fund habitat improvement work on the project site and grant the agency a conservation easement to carry it out.

Finally, in the absence of better alternatives, he might pay for habitat enhancement on state wildlife lands.

The term *mitigation bank* is used to refer to the parcel of land set aside for mitigation, because the developer earns credits for doing the mitigation which are, in a sense, "deposited" like money in a bank account. Later, when he applies for a development permit, he can "withdraw" credits to use in fulfilling mitigation requirements.

Of course, there must be a well-defined way to evaluate mitigation done by a developer and translate it into credits in his mitigation "bank account." Fish and wildlife biologists use a formula to evaluate a site in terms of "habitat units," which provide a measure of an area's capacity to support wildlife.

By figuring the number of units on a site at different times, they can show how much habitat improvement or loss has taken place. In this way, they can determine how many units are produced by a developer's habitat improvement efforts and credit them to his account. They can also calculate the number of habitat units that would be lost to a proposed development project.

When the time comes for the developer to apply for a permit, he can withdraw an agreed-upon number of habitat-unit credits from the bank and use them to meet some or all of the project's mitigation requirements.

Because it puts mitigation at the start of the permit process, rather than at the end, where it has traditionally occurred, mitigation banking speeds permit negotiations and settlement and fosters cooperation between developers and wildlife agencies. And as long as there are one or more credits in the bank— indicating at least some degree of habitat improvement wildlife benefits.

By allowing them to take a more active part in the whole process, mitigation banking lets developers fulfill their responsibilities to wildlife in a way that works better for them — and for wildlife, too.

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